

**CERTIFICATE OF
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non-Compliant Amendment

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|--------------------|-------------|
| Application Number | 10/621,976 |
| Filing Date | 10/621,976 |
| First Inventor | Ibarra, Jim |
| Examiner Name | |
| Art Unit | |
| Docket Number | |

Faxed to Number 1-571-273-8300Total Pages 39

DATE OF TRANSMISSION: 8/24/2005

TITLE OF CASE:

Thermal Transfer Assembly for Ceramic Imaging

The following documents are enclosed:

Certificate of Facsimile Transmission (1 page)

COPY OF Notice of non-compliant Amendment (1 page)

COPY OF claims as filed (1 page)

Letter (1 page)

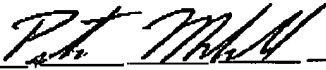
Listing of Claims (35 pages)

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AUG 24 2005

The above named documents are being facsimile transmitted to the United States Patent and Trademark Office on the date indicated above. The Director is authorized to charge any additional fee(s) as needed during the pendency of this application to deposit account 50-2753.

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Signature of Transmitter: 

Howard J. Greenwald, Reg. No. 24,247

☒ Peter J. Mikesell, Reg. No. 54,311

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22314-1450
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Notice of Non-Compliant Amendment (37 CFR 1.121)

10/621976

The amendment document filed on _____ is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____
- ☐ 3. Amendments to the drawings: _____
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☒ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following 7 status identifiers: (Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented), (New) and (Not entered).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☐ E. Other: NO TEXT - CLAIM 28

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/prenotice/officefive.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

THACG/UCW
Legal Instruments Examiner (LIE)

571 272 1644
Telephone No.

Rcv. 6/04

Aug. 24. 2005 9:15AM

Howard J. Greenwald, P.C.

No. 1708 P. 4



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August 24, 2005

Commissioner for Patents
Patent and Trademark Office
VIA FAX TO 1-571-273-8300

RE: REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT
U.S.S.N. 10/621,976; DOCKET JI-356

Dear Commissioner:

Thank you for the Notice of Non-Compliant Amendment of August 16, 2005, a copy of which is attached. In this Notice, the Legal Instruments Examiner correctly noted that there is no text after claim 28, which is withdrawn. As there was no text in the original claim 28 as filed, applicant is unable to present any text after such claim 28 without confusing the prosecution of the application.

To demonstrate the original state of the claims, I have attached page 99 of the specification as filed which clearly shows that claim 28 contained no text. As claim 28 contained no text as originally filed, and as claim 28 has not been amended (because it is withdrawn), then it is submitted that it is proper that claim 28 contains no text now.

If the Legal Instruments Examiner disagrees with this position, the Examiner is invited to contact me at 1-585-387-0285 to discuss a resolution.

Very truly yours,

Peter J. Mikesell, Ph.D.

/pjm

Enclosures

CERTIFICATE OF MAILING OR TRANSMISSION
I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 or being facsimile transmitted to the USPTO, on the date indicated below:

Peter J. Mikesell, Reg. No. 54, 311

Date: 8-24-05

Signature P.J. Mikesell